

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESS RICHARD SMITH,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

Case No. C23-1254-JHC

ORDER DISMISSING ACTION

The Court, having reviewed Petitioner's petition for writ of habeas corpus, the Report and Recommendation of Michelle L. Peterson, United States Magistrate Judge, objections thereto, and the remaining record, hereby ORDERS:

(1) The deadline for filing objections was October 17, 2023. Petitioner timely filed his objections. Dkt. # 9. Although the noting date for this matter is October 27, 2023, the Court sees no reason to wait further to rule.

(2) Petitioner's objections do not appear to have any merit. Most of them lack supporting argument and authority. *See id.* at section 2.A, 2.B, 2.E, and 2.F.

(3) Petitioner objects on the ground that Judge Peterson did not consider "my brief filed in support of my habeas corpus packet." *Id.* at section 2.C. But he does not demonstrate

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1 that the brief was not considered. And the Report and Recommendation notes that Judge  
2 Peterson reviewed the balance of the record. Dkt. # 8 at 1. Further, Petitioner does not explain  
3 how anything presented in his brief should have led to a different result.

4 (4) Similarly, Petitioner objects to the “finding ‘that there is insufficient information  
5 in the record for the court to adequately asses[s] whether petitioner[’]s 1996 Judg[.]ment did, in  
6 fact, affect his current sentence.” Dkt. # 9 at section 2.D. In support of this objection, he  
7 suggests that the Court may have “lost” his brief. But the brief is in the record at Dkt. # 4. Nor  
8 does Petitioner explain how any information in the record would suffice for an adequate  
9 assessment of the issue.

10 (5) Finally, Petitioner objects “if [Judge] Peterson is related to . . . prosecutor Craig  
11 Peterson.” Dkt. # 9 at section 2.G. This objection lacks any support in the record.

12 (6) Give the foregoing, the Report and Recommendation is approved and adopted.


13 (7) Petitioner’s petition for writ of habeas corpus (dkt. # 7-1), and this action, are  
14 DISMISSED with prejudice for failure to identify a cognizable ground for relief.

15 (8) Petitioner’s application to proceed *in forma pauperis* (dkt. # 7) is DENIED as  
16 moot.

17 (9) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
18 United States District Courts, a certificate of appealability is DENIED.

19 (10) The Clerk is directed to send copies of this Order to Petitioner and to the  
20 Honorable Michelle L. Peterson.

21 DATED this 25th day of October, 2023.

22   
23 JOHN H. CHUN  
United States District Judge